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June 13, 2007

The Honorable Michael Gibbons  
President Pro Tem  
Missouri Senate  
State Capitol Building, Room 326  
Jefferson City, MO 65101

The Honorable Rod Jetton  
Speaker of the House  
Missouri House of Representatives  
State Capitol Building, Room 308  
Jefferson City, MO 65101

Missouri Small Business  
Regulatory Fairness Board  
Harry S. Truman Building, Suite 720  
Jefferson City, MO 65101

To Whom It May Concern:

Attached please find the report from the Department of Social Services pursuant to Section 536.325.

Sincerely,

Jennifer Weaver Stilabower  
Special Counsel

JWS:dsl

Enclosure

Rules Affecting Small Business  
Department of Social Services  
June 13, 2007

- Rule:** 13 CSR 30-4.010 Interstate Income Withholding Procedure  
**Purpose:** The purpose of 13 CSR 30-4.010 is to outline procedures under which the division will request that another state's agency or court initiate child support income withholding to collect child and spousal support, and procedures under which the division will initiate income withholding on behalf of another state's agency or court, pursuant to Chapter 454, RSMo.
- Rule:** 13 CSR 35-50.010 Accreditation as Evidence for Meeting Licensing Requirements  
**Purpose:** This rule is necessary to implement Section 210.112.7 relating to the accreditation of residential care agencies and child placing agencies. Accreditation by any of three nationally recognized organizations is, by law, accepted as prima fascia evidence that such agencies meet Division licensing rules. These measures help ensure best practice standards which help ensure the proper care and safety of children. Some of the agencies affected would qualify as small businesses.
- Rules:** 13 CSR 35-80.010 Residential Foster Care Maintenance Methodology  
13 CSR 35-80.020 Residential Care Agency Cost Reporting System  
**Purpose:** Both rules are necessary to implement a court order relating to payments made to licensed residential care centers for children. The court order requires a methodology to be established to determine payment for services; the cost reporting is used to implement the methodology. Some of the agencies affected would qualify as small businesses.
- Rules:** 13 CSR 35-100.010 Residential Treatment Agency Tax Credit  
13 CSR 35-100.020 Pregnancy Resource Center Tax Credit  
**Purpose:** Both rules are necessary to implement the provisions of Sections 135.1150 and 135.630 for two tax credit programs established by the General Assembly in 2006. Such tax credits allow residential treatment agencies and pregnancy resource agencies to obtain financial support that might not otherwise be available. Some of the agencies affected would qualify as small businesses.
- Rule:** 13 CSR 40-30.020 Attorney Fees in Termination of Parental Rights Cases  
**Purpose:** This rule establishes fees for attorneys and guardians ad litem (GALs) who provide services in termination of parental rights cases. These services are essential in obtaining permanency through adoption for children who can no longer return to the care of their biological parents. Some attorneys and GALS may be employed in small business agencies.
- Rules:** 13 CSR 40-32.010 Basis of Payment  
13 CSR 40-32.020 Processing of Applications For State and Federal Funds for Providing Child Care Services  
**Purpose:** These rules are necessary to establish payments which are made to licensed and contracted childcare (daycare) facilities, individuals, and other vendors, and to

implement the provisions of Section 210.025 relating to background checks of persons applying for state and federal funds for providing childcare services in their home. These rules help ensure an operational childcare system and help ensure the health and safety of children receiving childcare services. Some agencies affected by these rules would qualify as small businesses.

**Rules:** 13 CSR 40-59.020 Definitions  
13 CSR 40-59.050 Child Abuse/Neglect Central Registry Checks for Child Care Employees and Volunteers

**Purpose:** These rules define the terms and operationalize criminal and child abuse/neglect background checks for foster, adoptive, and relative care providers, as well as employees and volunteers who work or visit in childcare (daycare) facilities. These rules are necessary to help ensure the health and safety of children. Some agencies affected by these rules may qualify as small businesses.

**Rules:** 13 CSR 40-71.010 Definitions  
13 CSR 40-71.020 Basic Residential Care Core Requirements (Applicable to All Agencies)-Basis for Licensure and Licensing Procedures  
13 CSR 40-71.025 Exemption of Religious Child Care Facilities.  
13 CSR 40-71.030 Hearings and Judicial Review  
13 CSR 40-71.035 Court Review and Dispositional Hearing  
13 CSR 40-71.040 Organization and Administration  
13 CSR 40-71.045 Personnel  
13 CSR 40-71.050 Staff Qualifications and Requirements  
13 CSR 40-71.060 Social Services Program  
13 CSR 40-71.070 Protection and Care of the Child..  
13 CSR 40-71.075 Health Care  
13 CSR 40-71.080 Building, Grounds and Equipment  
13 CSR 40-71.090 Recordkeeping  
13 CSR 40-71.100 Specific Rules for Basic Care Agencies Providing Care for Infant, Toddler or Preschool Age Children (Birth Through Age Six  
13 CSR 40-71.110 Child Care Program  
13 CSR 40-71.120 Specific Rules for Residential Care Agencies Providing Maternity Care  
13 CSR 40-71.130 Specialized Standards-Residential Treatment  
13 CSR 40-71.140 Specialized Standards For Intensive Residential Treatment

**Purpose:** These rules govern the licensure of agencies which provide 24-hour care of children and the necessary treatment required by such children. These rules are necessary to protect the health and safety of children who are placed in such facilities. Some of the agencies affected would qualify as small businesses.

**Rule:** 13 CSR 40-72.010 Group Homes Offering Residential Care

**Purpose:** These rules govern the licensure of certain types of group homes which provide 24-hour care of children. These rules are necessary to protect the health and safety of children placed into such facilities. Some of these agencies would qualify as small businesses.

**Rules:** 13 CSR 40-73.010 Definitions  
13 CSR 40-73.012 Basis for Licensure and Licensing Procedures

13 CSR 40-73.015 Exemption of Child Placing Agencies From Licensure  
13 CSR 40-73.017 Hearings and Judicial Review  
13 CSR 40-73.018 Court Review and Dispositional Hearing  
13 CSR 40-73.020 Organization and Administration  
13 CSR 40-73.030 Personnel Practices and Personnel  
13 CSR 40-73.035 Staff Qualifications and Requirements  
13 CSR 40-73.040 Operational Requirements  
13 CSR 40-73.050 Protection and Care of the Child  
13 CSR 40-73.055 Health Care  
13 CSR 40-73.060 Recommendation for Foster Homes Licensing  
13 CSR 40-73.070 Placement of Children in Foster Family Homes  
13 CSR 40-73.075 Foster Care Services  
13 CSR 40-73.080 Adoption Services

**Purpose:** These rules govern the licensure of agencies which provide foster care and adoption services and are necessary to protect the health and safety of children. Some agencies would qualify as small businesses.

**Rule:** 13 CSR 40-79.010 Domestic Violence Shelter Tax Credit

**Purpose:** This rule is necessary to implement the provisions of Section 135.550 to allow for a tax credit program established by the General Assembly in 2006. Such tax credits allow domestic violence shelters to obtain financial support that might not otherwise be available. Some of the agencies would qualify as small businesses.

**Rule:** 13 CSR 40-80.010 Maternity Home Tax Credit

**Purpose:** This rule is necessary to implement the provisions of Section 135.600 to allow for a tax credit program established by the General Assembly in 1997. Such tax credits allow maternity homes to obtain financial support that might not otherwise be available. Some of the agencies would qualify as small businesses.

**Rule:** 13 CSR 40-91.010 Business Enterprise for the Blind

**Purpose:** This rule affects Small Business in that it gives priority to blind vendors in state and federally owned buildings. This is a tremendous tool in helping blind and visually impaired Missourians become independent contractors, thus building their small business.

**Rule:** 13 CSR 40-91.020 Vocational Rehabilitation for the Blind

**Purpose:** This program assists the blind and visually impaired of Missouri in getting into meaningful employment whether it be for someone else, or for themselves. This can provide a workforce for small businesses and create small businesses.

**Rules:** 13 CSR 70-3.020 Title XIX Provider Enrollment  
13 CSR 70-3.030 Sanctions for False or Fraudulent Claims for Title XIX  
13 CSR 70-3.040 Duty of Medicaid Participating Hospitals and Other Vendors to Assist in Recovering Third-Party Payments  
13 CSR 70-3.050 Obtaining Information From Providers of Medical Services  
13 CSR 70-3.100 Filing of Claims, Medicaid Program  
13 CSR 70-3.105 Timely Payment of Title XIX (Medicaid) Claims

13 CSR 70-3.110 Second Opinion Requirement Before Nonemergency Elective Surgical Operations  
13 CSR 70-3.120 Limitations on Payment Out-of-State Nonemergency Medical Services  
13 CSR 70-3.130 Computation of Provider Overpayment by Statistical Sampling  
13 CSR 70-3.140 Direct Deposit of Provider of Provider Reimbursement  
13 CSR 70-3.150 Authorization To Receive Payment for Medicaid Services  
13 CSR 70-3.160 Electronic Submission of Medicaid Claims  
13 CSR 70-3.170 Medicaid Managed Care Organization Reimbursement Allowance  
13 CSR 70-3.180 Medical Pre-Certification Process  
13 CSR 70-10.005 Reasonable Cost-Related Reimbursement Plan for Long-Term Care  
13 CSR 70-10.010 Prospective Reimbursement Plan for Long-Term Care  
13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services  
13 CSR 70-10.030 Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services  
13 CSR 70-10.040 Medicaid Eligibility and Preadmission Screening for Mentally Ill and Mentally Retarded Individuals  
13 CSR 70-10.050 Pediatric Nursing Care Plan  
13 CSR 70-10.060 Retrospective Reimbursement Plan for State-Operated Facilities for ICF/MR Services  
13 CSR 70-10.070 Limitations on Allowable Nursing Facility Costs to Reserve a Bed for Absences Due to Hospital Admission  
13 CSR 70-10.080 Prospective Reimbursement Plan for HIV Nursing Facility Services  
13 CSR 70-10.100 Limitation on Allowable Capital Cost Overruns for New Institutional Health Services in Title XIX Reimbursement Rate Setting  
13 CSR 70-10.110 Nursing Facility Reimbursement Allowance  
13 CSR 70-10.120 Reimbursement for Nurse Assistant Training  
13 CSR 70-10.150 Enhancement Pools  
13 CSR 70-20.010 Participating Drug Vendors  
13 CSR 70-20.030 Drugs Covered by Medicaid  
13 CSR 70-20.031 List of Excludable Drugs for Which Prior Authorization is Required  
13 CSR 70-20.032 List of Drugs Excluded From Coverage Under the Missouri Medicaid Pharmacy Program  
13 CSR 70-20.033 Medicaid Program Coverage of Investigational Drugs Used in the Treatment of Acquired Immunodeficiency Syndrome (AIDS)  
13 CSR 70-20.034 List of Non-Excludable Drugs for Which Prior Authorization Is Required  
13 CSR 70-20.040 Five Prescription Limit Per Month Per Recipient  
13 CSR 70-20.045 Thirty-One Day Supply Maximum Restriction on Pharmacy Services Reimbursed by the Division of Medical Services  
13 CSR 70-20.050 Return of Drugs  
13 CSR 70-20.060 Professional Dispensing Fee  
13 CSR 70-20.070 Computer-Generated Drug Pricing Tape and Drug Reimbursement Methodology  
13 CSR 70-20.071 Multiple Source Drugs for Which There Exists a Federal Upper Limit on Reimbursement  
13 CSR 70-20.200 Drug Prior Authorization Process

13 CSR 70-20.250 Prior Authorization of New Drug Entities or New Drug Dosage Form  
 13 CSR 70-20.300 Retrospective Drug Use Review Process  
 13 CSR 70-20.310 Prospective Drug Use Review Process and Patient Counseling  
 13 CSR 70-20.320 Pharmacy Reimbursement Allowance  
 13 CSR 70-25.100 Abortions  
 13 CSR 70-25.110 Payment for Early Periodic Screening, Diagnosis and Treatment Program Services  
 13 CSR 70-26.010 Medicaid Program Benefits for Federally-Qualified Health Center Services  
 13 CSR 70-30.010 Podiatric Services Program  
 13 CSR 70-35.010 Dental Benefits and Limitations, Medicaid Program  
 13 CSR 70-40.010 Optical Care Benefits and Limitations—Medicaid Program  
 13 CSR 70-45.010 Hearing Aid Program  
 13 CSR 70-50.010 Hospice Services Program  
 13 CSR 70-55.010 Medicaid Program Benefits for Nurse-Midwife Services  
 13 CSR 70-60.010 Durable Medical Equipment Program  
 13 CSR 70-65.010 Rehabilitation Center Program  
 13 CSR 70-70.010 Therapy Program  
 13 CSR 70-90.010 Home Health-Care Services  
 13 CSR 70-90.020 Home Health-Care Services Reimbursement  
 13 CSR 70-91.010 Personal Care Program  
 13 CSR 70-91.020 Mental Health Residential Personal Care Program  
 13 CSR 70-91.030 Personal Care Assistance  
 13 CSR 70-92.010 Adult Day Health Care Program  
 13 CSR 70-93.010 Reimbursement for Medicaid Children's Clinic Services  
 13 CSR 70-93.020 Reimbursement for Medicaid Family Health Clinic Program  
 13 CSR 70-94.010 Independent Rural Health Clinic Program  
 13 CSR 70-94.020 Provider-Based Rural Health Clinic  
 13 CSR 70-95.010 Private Duty Nursing  
 13 CSR 70-96.010 Reimbursement for Medicaid Primary and Prenatal Care Clinic Program  
 13 CSR 70-98.015 Psychiatric/Psychology/Counseling/Clinical Social Work Program Documentation  
 13 CSR 70-98.020 Prior Authorization Process for Non-Pharmaceutical Mental Health Services  
 13 CSR 70-99.010 Comprehensive Day Rehabilitation Program

**Purpose:**

Missouri statute authorizes benefit payments for medical assistance on behalf of eligible needy persons (208.152, RSMo). Missouri statute requires the Division of Medical Services by rule define the reasonable costs, manner, extent, quantity, quality, charges and fees of medical assistance (208.153, RSMo). No federal or Missouri law requires a small business (50 or less employees) to enroll in Missouri Medicaid in order to provide services to be paid for with taxpayer funds. According to the Missouri Supreme Court, "reimbursement policy applies generally to all participants in the Medicaid program. Definition of reasonable costs, manner, extent, quantity, quality, charges and fees of medical assistance under the program must be made by rule and regulation."